

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA BOARD OF NURSING

In the Matter of the Nursing License of
Tamara A. Beberg, R.N.
License No. 120328-8

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

The above-entitled matter was scheduled for prehearing conference before Administrative Law Judge Steve M. Mihalchick commencing at 9:30 a.m. on Friday, October 9, 1998, at the offices of the Board of Nursing in Minneapolis, Minnesota. Louis Hoffman, Assistant Attorney General, 525 Park Avenue, Suite 500, St. Paul, Minnesota 55103-2106, represents the Minnesota Board of Nursing. There was no appearance by the Respondent, Tamara A. Beberg. The record closed on October 20, 1998, upon receipt of a letter filed by the Board of Nursing.

NOTICE

This Report is a recommendation, not a final decision. The Board will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact the Minnesota Board of Nursing, Suite 500, 2829 University Avenue, S.E., Minneapolis, Minnesota 55414, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF THE ISSUE

The issue in this case is whether disciplinary action should be taken against the R.N. license of the Respondent in accordance with Minn. Stat. §§ 148.261 (1997).

Based upon the record in this matter, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On September 3, 1998, a Notice of and Order for Prehearing Conference and Hearing in this matter was mailed to the Respondent at her last known address of 706 Holcombe Street, Stillwater, Minnesota 55082.

2. The Notice of and Order for Prehearing Conference and Hearing that was mailed to the Respondent scheduled a prehearing conference for October 9, 1998, at 9:30 a.m. The Notice of and Order for Prehearing Conference and Hearing contained the following statement:

Respondent is urged to attend; failure to do so may prejudice Respondent's rights in this proceeding and any subsequent proceedings related to this matter, may result in the allegations contained herein being taken as true, and may be the basis for disciplinary action against Respondent.

3. There was no response from Respondent prior to the prehearing conference. The Respondent did not appear at the October 9, 1998, Prehearing Conference. The Respondent did not contact the Board or the Administrative Law Judge to request a continuance. No Notice of Appearance was filed by Respondent in this matter

4. The allegations set forth in the Notice of and Order for Prehearing Conference, having been deemed proved and taken as true, are hereby incorporated into these Findings by reference.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Minnesota Board of Nursing and the Administrative Law Judge have subject matter jurisdiction herein pursuant to Minn. Stat. §§ 214.10, 214.103 and 14.50 (1997).

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2. The Respondent was given timely and proper notice of the prehearing conference in this matter.

3. The Minnesota Board of Nursing has complied with all relevant substantive and procedural requirements of statute and rule.

4. Under Minn. Rule 1400.6000 (1997), the Respondent is in default as a result of her failure to appear at the scheduled prehearing conference.

5. Under Minn. Rule 1400.6000 (1997), when a party defaults, the allegations and the issues set out in the Notice of and Order for Prehearing Conference and Hearing may be taken as true and deemed proved. The Administrative Law Judge therefore takes those allegations and issues as true and deemed proved.

6. Based upon the facts set out in the Notice of and Order for Prehearing Conference and Hearing, the Respondent has violated Minn. Stat. §§ 148.261, subd. 1 (8), (10), and (21), and Minn. Stat. § 148.265 and is subject to disciplinary action by the Minnesota Board of Nursing.

7. An order by the Board prescribing disciplinary action against the Respondent is in the public interest.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED: that disciplinary action be taken against the R.N. license of Tamara A. Beberg by the Minnesota Board of Nursing.

Dated this 2nd day of November 1998.

STEVE M. MIHALCHICK
Administrative Law Judge

Reported: Default.

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the Board of Nursing is required to serve its final decision upon each party and the Administrative Law Judge by first-class mail.